UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:17-cy-311-FDW

)
)
))) <u>ORDER</u>
)
)

THIS MATTER is before the Court on periodic status review.

Plaintiff filed his complaint pursuant to 42 U.S.C. § 1983 on June 1, 2017. He is a North Carolina inmate proceeding *pro se*, complaining about incidents which allegedly occurred at the Lanesboro Correctional Institution in Polkton, North Carolina. (Doc. No. 1). He filed the complaint without paying the \$400 filing fee or filing a motion to proceed *in forma pauperis*. On June 6, 2017, the Clerk of Court issued a Notice of Deficiency noting that the filing fee or an application to proceed *in forma pauperis* had not been filed, and making such due by June 27, 2017. Plaintiff has not filed a motion to proceed *in forma pauperis* or paid the filing fee to date. Petitioner must either pay the \$400 filing fee or file an application to proceed *in forma pauperis* within ten days of the date of this Order or this action will be dismissed without prejudice. See generally Fed. R. Civ. P. 41(b); 28 U.S.C. § 1915.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff shall have ten days from service of this Order in which to either pay the \$400 filing fee or file an application to proceed *in forma pauperis*.

2. The Clerk is directed to mail a copy of this Order and an application to proceed *in forma* pauperis to Plaintiff.

Signed: September 20, 2017

Frank D. Whitney

Chief United States District Judge